

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

7/27/2018 2:38 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

CHARLES FORRESTER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FORTERRA, INC., JEFFREY BRADLEY,
WILLIAM MATTHEW BROWN, LORI M.
BROWNE, KYLE S. VOLLUZ,
KEVIN BARNER, ROBERT CORCORAN,
SAMUEL D. LOUGHLIN, CLINT
MCDONNOUGH, JOHN MCPHERSON,
CHRIS MEYER, JACQUES SARRAZIN,
CHADWICK SUSS, GRANT WILBECK,
FORTERRA US HOLDINGS, LLC, MID
HOLDINGS, CONCRETE HOLDINGS, LSF9
CONCRETE LTD., LSF9 CONCRETE II LTD.,
STARDUST HOLDINGS, LSF9 STARDUST GP,
LLC, LONE STAR FUND IX (U.S.), L.P.,
LONE STAR PARTNERS IX, L.P., LONE STAR
MANAGEMENT CO. IX, LTD., JOHN P.
GRAYKEN, GOLDMAN, SACHS & CO.,
CITIGROUP GLOBAL MARKETS INC., and
CREDIT SUISSE SECURITIES (USA) LLC,

Defendants.

Civil Action No.: 2:17-cv-04763-JS-GRB

SUPANIN DISAYAWATHANA, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

FORTERRA, INC., JEFFREY BRADLEY,
WILLIAM MATTHEW BROWN, LORI M.
BROWNE, KYLE S. VOLLUZ,
KEVIN BARNER, ROBERT CORCORAN,
SAMUEL D. LOUGHLIN, CLINT
MCDONNOUGH, JOHN MCPHERSON,
CHRIS MEYER, JACQUES SARRAZIN,
CHADWICK SUSS, GRANT WILBECK,

Civil Action No.: 2:17-cv-04824-JS-GRB

GOLDMAN, SACHS & CO., CITIGROUP
GLOBAL MARKETS INC. and CREDIT SUISSE
SECURITIES (USA) LLC,

Defendants.

MATTHEW SPINDLER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FORTERRA, INC., JEFFREY BRADLEY,
WILLIAM MATTHEW BROWN, LORI M.
BROWNE, KYLE S. VOLLUZ,
KEVIN BARNER, ROBERT CORCORAN,
SAMUEL D. LOUGHLIN, CLINT
MCDONNOUGH, JOHN MCPHERSON,
CHRIS MEYER, JACQUES SARRAZIN,
CHADWICK SUSS and GRANT WILBECK

Defendants.

Civil Action No.: 2:17-cv-04978-JS-GRB

**STIPULATION AND ~~PROPOSED~~ ORDER CONSOLIDATING RELATED ACTIONS
AND FOR THE WITHDRAWAL OF APPEARANCES OF NAMED PLAINTIFFS**

WHEREAS, on August 14, 2017, Plaintiff Charles Forrester filed a putative class action complaint herein asserting claims pursuant to §§ 11 and 15 of the Securities Act of 1933 (the “*Forrester Action*”) on behalf of purchasers in Forterra’s October 21, 2016 initial public stock offering (“IPO”); and

WHEREAS, on August 16, 2017, Plaintiff Supanin Disayawathana filed a related putative class action complaint also asserting claims pursuant to the Securities Act of 1933 on behalf of purchasers in Forterra’s IPO and additional claims pursuant to §§10(b) and 20(a) of the Securities and Exchange Act of 1934 on behalf of purchasers during a related class period (the “*Disayawathana Action*”); and

WHEREAS, on August 23, 2017, Plaintiff Matthew Spindler filed a third related putative class action complaint herein also asserting claims pursuant to the Securities Act of 1933 and the Securities and Exchange Act of 1934 (the “*Spindler Action*”); and

WHEREAS, the claims asserted in the *Forrester*, *Disayawathana* and *Spindler* Actions (the “Related Actions”) are all related in that they are brought on behalf of purchasers of Forterra securities during overlapping time periods, name similar defendants and make similar claims;

WHEREAS, the claims asserted in the Related Actions are all also governed by the Private Securities Litigation Reform Act (the “PSLRA”), 15 U.S.C. § 77z-1 *et seq.*, which calls for the consolidation of all such related actions and provides for a procedure for the appointment by the Court of lead plaintiff(s) and lead counsel to represent the putative class; and

WHEREAS, motions for the consolidation of the Related Actions and the appointment of a lead plaintiff and the Court’s approval of the lead plaintiff’s selection of lead counsel were filed herein on October 13, 2017 (*see Forrester Action Dkt. Nos. 48-54*);

WHEREAS, by November 3, 2017, all competing motions for appointment of lead plaintiff other than that of Movant Wladislaw Maciuga had been withdrawn and Movant Wladislaw Maciuga notified the Court that his motion for appointment as lead plaintiff was unopposed (*see Forrester Action Dkt. No. 60*); and

WHEREAS, Plaintiff Charles Forrester seeks to withdraw as a named plaintiff in the Related Actions, while remaining an absent class member, and his counsel of record, Robbins Geller Rudman & Dowd LLP and Holzer & Holzer LLP, seek to withdraw as counsel in the Related Actions;

WHEREAS, Plaintiff Matthew Spindler seeks to withdraw as a named plaintiff in the Related Actions, while remaining an absent class member, and his counsel of record, Pomerantz

LLP and Bronstein, Gewirtz & Grossman, LLC, seek to withdraw as counsel in the Related Actions;

WHEREAS, Plaintiff Supanin Disayawathana seeks to withdraw as a named plaintiff in the Related Actions. Plaintiff Disayawathana's counsel of record, Glancy Prongay & Murray LLP will remain in this case in its capacity as counsel for unopposed lead plaintiff movant Wladislaw Maciuga;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiffs in the Related Actions and the undersigned attorneys for all defendants that have been served in the Related Actions as follows:

CONSOLIDATION OF RELATED CASES

1. The Related Actions are hereby consolidated for all purposes into the low-numbered *Forrester* Action currently pending before this Court, Civil Action No. 2:17-cv-04763-JS-GRB, and the consolidated action shall forthwith be captioned "In re Forterra, Inc. Securities Litigation."

2. Any further related actions that are subsequently filed in, or transferred to, the district in which this action is pending shall be consolidated into this consolidated action. This Order shall apply to every such related action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within thirty (30) days after the date on which a copy of the order is served on the party's counsel, pursuant to Paragraph 7, infra.

3. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

MASTER DOCKET AND CAPTION

4. The docket in Civil Action No. 2:17-cv-04763-JS-GRB shall constitute the Master Docket for this action.

5. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE FORTERRA, INC. SECURITIES
LITIGATION

Master File No. 2:17-cv-04763-JS-GRB

CLASS ACTION

This Document Relates To:

6. The file in Civil Action No. 2:17-cv-04763-JS-GRB shall constitute a Master File for every action in the consolidated action.

7. The parties shall file a Notice of Related Cases whenever a case that should be consolidated into this action is filed in, or transferred to, the district in which this action is pending. If the Court determines that the case is related, the clerk shall:

- a) place a copy of this Order in the separate file for such action;
- b) serve on plaintiff's counsel in the new case a copy of this Order;
- c) direct that this Order be served upon defendants in the new case; and
- d) make the appropriate entry in the Master Docket.

8. No defendant named in the Related Actions shall be required to answer or otherwise respond other than as detailed in the Court's order entered in the *Forrester* Action on September 5, 2017 (*see Forrester* Action Dkt. No. 36).

WITHDRAWAL OF PLAINTIFFS FORRESTER, DISAYAWATHANA, AND SPINDLER

9. Plaintiff Charles Forrester is hereby withdrawn as a named plaintiff in the consolidated action and his counsel of record, Robbins Geller Rudman & Dowd LLP and Holzer & Holzer LLP, are hereby withdrawn as counsel in the consolidated action. Plaintiff Charles Forrester remains an absent class member with rights to participate in any recovery obtained by the class.

10. Plaintiff Matthew Spindler is hereby withdrawn as a named plaintiff in the consolidated action and his counsel of record, Pomerantz LLP and Bronstein, Gewirtz & Grossman, LLC, are hereby withdrawn as counsel in the consolidated action. Plaintiff Matthew Spindler remains an absent class member with rights to participate in any recovery obtained by the class.

11. Plaintiff Supanin Disayawathana is hereby withdrawn as a named plaintiff in the consolidated action. Plaintiff Disayawathana's counsel of record, Glancy Prongay & Murray LLP, will remain in this case in its capacity as counsel for lead plaintiff movant Wladislaw Maciuga. Plaintiff Disayawathana remains an absent class member with rights to participate in any recovery obtained by the class.

Dated: July 24, 2018

Respectfully submitted,

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**MILBANK, TWEED, HADLEY &
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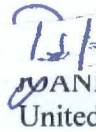
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SO ORDERED.

DATED: Central Islip, New York
July 27, 2018

 **JOANNA SEYBERT**
JOANNA SEYBERT
United States District Court Judge